

Attorney Docket No.: E3697-00044

REMARKS

The Office communication mailed November 5, 2009, set an initial one-month period of response. Submitted herewith is a petition under 37 CFR § 1.36 for a One (1) Month Extension of Time and request that Deposit Account No. 04-1679 be charged for the required fee. With the granting of this Petition the time period to submit a timely response to this Office communication will be extended to January 5, 2010.

Applicants request that the U.S. Patent and Trademark Office consider the following remarks and enter the following changes. Consideration and allowance of all presently pending claims are respectfully requested.

At page 2 of the Office communication mailed November 5, 2009, the Examiner requested Applicants "to elect a single species" from Group (I), namely:

(I) "chemical trauma" *or* "mechanical trauma".

The Examiner also requested Applicants "to elect a single species" from the Group (II), namely:

(II) "antisense oligonucleotides and antisense polynucleotides"
(morpholino and PNAs), *or* "deoxyribozymes" and "DNAzymes",
or "RNAi" and "siRNA" molecules, or 5-end-mutated U1 nuclear
RNAs".

November 5, 2009 Office communication at page 2.

In response to the Examiner's requirement for election, Applicants provisionally elect "chemical trauma" from Group (I) and "antisense oligonucleotides and antisense polynucleotides" from Group (II), with traverse.

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Claim 104 relating to "mechanical trauma" has been designated as withdrawn, as drawn to a non-elected species, in response to the Examiner's requirement that Applicants make a species election from Group (I). Claim 107 has been amended in response to the Examiner's requirement that Applicants make a species election from Group (II). However, Applicants respectfully request that the election of species requirements be withdrawn due to lack of art and searching burden, as will be understood from the novel nature of the technology. In particular, Applicants request that mechanical trauma be examined together with chemical trauma, and that all antisense molecules be examined, for similar reasons.

In his requirements for election, the Examiner asked that Applicants' identify the claims readable on the elected species. With the provisional cancellation of claim 104 and the amendment to claim 107, now pending claims 102, 103 and 105-121 encompass both "chemical trauma" from Group (I) and "antisense oligonucleotides and antisense polynucleotides" and are thus are readable on the elected species.

Applicants request that the Examiner expand the scope of his examination upon a finding of allowable species. In addition, as noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which include the limitations of the allowed generic claim.

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The Commissioner is hereby authorized to charge the requisite fees, or any fees in connection with this application during its entire pendency, or to credit any overpayment, to Deposit Account No. 04-1679.

Respectfully submitted,

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